

R430-90-9 and R430-50-9: RECORDS

Purpose

This section provides rules and information about the records required by Child Care Licensing.

General Information

Forms may be maintained electronically as long as they are accessible on site for review by Child Care Licensing.

Electronic signatures from parents are sufficient if the parents may get a copy upon request.

Documents required by Child Care Licensing may be scanned and emailed, faxed, mailed or hand delivered.

Review of the Licensee's/Certificate Holder's records by the Department staff is used, in part, to determine compliance with the licensing rules. *CFOC, 3rd Ed. pg.380 Standard 9.4.1.5*

Records must be kept for all enrolled children, including the provider's children under age 4, employees' children under age 4, and "drop-in" children.

Licensed Family 90-9:

(1) The licensee shall maintain on-site for review by the Department during any inspection the following general records:

- (a) documentation of the previous 12 months of quarterly fire drills and annual disaster drills as specified in R430-90-10(9) and R430-90-10(11);

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-9:

(1) The licensee shall maintain on-site for review by the Department during any inspection the following general records:

- (b) current animal vaccination records as required in R430-90-22(2)(b);

Residential Certificate 50-9:

(1) The certificate holder shall maintain on-site for review by the Department during any inspection the following general records:

- (a) current animal vaccination records as required in R430-50-22(2)(b);

Enforcement

Always Level 3 Noncompliance.

A veterinary tag that includes the required information and shows that the vaccination is current may be used in lieu of an animal vaccination record.

Licensed Family 90-9:

(1) The licensee shall maintain on-site for review by the Department during any inspection the following general records:

- (c) a six week record of child attendance, as required in R430-90-13(3);

Residential Certificate 50-9:

(1) The certificate holder shall maintain on-site for review by the Department during any inspection the following general records:

- (b) a six week record of child attendance, as required in R430-50-13(3);

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-9:

(1) The licensee shall maintain on-site for review by the Department during any inspection the following general records:

- (d) a current local health department kitchen inspection;

Residential Certificate 50-9:

(1) The certificate holder shall maintain on-site for review by the Department during any inspection the following general records:

- (c) a current local health department kitchen inspection;

Enforcement

Always Level 3 Noncompliance.

Documentation of a kitchen inspection is not required if the Licensee/Certificate Holder does not provide food service.

The health department inspection is conducted by the County Health Department.

Licensed Family 90-9:

(1) The licensee shall maintain on-site for review by the Department during any inspection the following general records:

- (e) an initial local fire department clearance for all areas of the home being used for care;

Residential Certificate 50-9:

(1) The certificate holder shall maintain on-site for review by the Department during any inspection the following general records:

- (d) an initial local fire department clearance for all areas of the home being used for care;

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-9:

(1) The licensee shall maintain on-site for review by the Department during any inspection the following general records:

- (f) approved initial "CBS/LIS Consent and Release of Liability for Child Care" form for all providers, volunteers, and each person age 12 and older who resides in the licensee's home;
- (g) if the licensee has been licensed for more than a year, the most recent criminal background "Disclosure Statement" which includes all providers, volunteers, and each person age 12 and older who resided in the home of the licensee at any time since the last license renewal; and

(h) if the licensee has been licensed for more than a year, the most recent "Request for Annual Renewal of CBS/LIS Criminal History Information for Child Care" which includes all providers, volunteers, and each person age 12 and older who resided in the home of the licensee at any time since the last license renewal.

Residential Certificate 50-9:

(1) The certificate holder shall maintain on-site for review by the Department during any inspection the following general records:

- (e) approved initial "CBS/LIS Consent and Release of Liability for Child Care" form for all providers, volunteers, and each person age 12 and older who resides in the certificate holder's home;
- (f) if the certificate holder has been certified for more than a year, the most recent criminal background "Disclosure Statement" which includes all providers, volunteers, and each person age 12 and older who resided in the home of the certificate holder at any time since the last certificate renewal; and
- (g) if the certificate holder has been certified for more than a year, the most recent "Request for Annual Renewal of CBS/LIS Criminal History Information for Child Care" which includes all providers, volunteers, and each person age 12 and older who resided in the home of the certificate holder at any time since the last certificate renewal.

Enforcement

Always Level 3 Noncompliance.

Background Screening forms will be reviewed on site or if the provider states for any reason that they submitted background screening forms and there is not a record in the Child Care Licensing database. The provider will use the form to prove that they submitted it. Findings will be issued when the covered individual does not show on the database and it has been more than the 10 for the required days to report.

If the covered individual has a background screening card issued by Child Care Licensing, a copy of this card on file will serve as documentation of background screening. Original cards are to be given to the covered individual.

Licensing Specialists must look at background clearance documents for all caregivers and people age 12 and older residing in the home. People are considered to "reside" in the home if they stay continuously in the home for 2 weeks or longer.

R430-6-2(3) requires anyone who has unsupervised access to a child in care pass a background screening. If a person (such as a house guest) has not submitted a background screening, he/she may not have unsupervised access to any child in care.

When Licensees/Certificate Holders are landlords and rent out part of their house, the renters do not need approved background screening forms when all of the following conditions are met:

- A) The rented parts of the house have separate outside entrances and there are no interior doorways (inside the house) between the rented parts and the rest of the house.
- B) There are signed rental/lease agreements between the Licensees/Certificate Holders and the renters. (Licensing staff must see these rental agreements.)
- C) The rented parts of the house have separate mailing addresses and mailboxes from the rest of the house. (When there is not a clear separation of mailboxes, Licensing staff must verify this by seeing mail addressed to the Licensees/Certificate Holders and mail addressed to the renters.) A post office box is not considered a separate mailing address.

- D) There is no potential for the renters to have unsupervised access to the children in care, including when the children are playing outdoors. To meet this criteria, no child in care (including school-age children) can be outside without the Licensees/Certificate Holders or approved providers also being outside.

When all of the above conditions are not met, approved background screening forms are required for renters in the houses of Licensees/Certificate Holders.

When Licensees/Certificate Holders rent apartments in houses and are not the house owner, individuals living in the part(s) of the house not rented by Licensees/Certificate Holders do not need approved background screening forms when all of the following conditions are met:

- A) The rented parts of the house have separate outside entrances and there are no interior doorways (inside the house) between the rented parts and the rest of the house.
- B) There are signed rental/lease agreements between house owners and Licensees/Certificate Holders renting the apartment. (Licensing staff must see these rental agreements.)
- C) The rented apartments have separate mailing addresses and mailboxes from the rest of the house. (When there is not a clear separation of mailboxes, Licensing staff must verify this by seeing mail addressed to the Licensees/Certificate Holders and mail addressed to the house owners.) A post office box is not considered a separate mailing address.
- D) There is no potential for the individuals living in the parts of the house not rented by Licensees/Certificate Holders to have unsupervised access to the children in care. To meet this criteria, no child in care (including school age children) can be outside without the Licensees/Certificate Holders or approved providers also being outside.

When all these conditions are not met, individuals living in parts of houses not rented by Licensees/Certificate Holders need background screening forms.

R430-6-5(3) requires the Licensee/Certificate Holder to submit background clearance forms for newly hired individuals within five days of them becoming involved with the child care facility, or within five days of a child residing in the home turning 12, or within 10 days of an individual age 12 or older moving in to the home. "Becoming involved with the child care facility" means the individual's first day of work at the Licensee's/Certificate Holder's home.

If a covered individual is out of the state for 3 months or longer, he/she needs to submit a new initial CBS/LIS form and fingerprints.

This rule is only out of compliance if the Licensee/Certificate holder does not have the required Disclosure Statements by his/her license expiration date

For additional information on the background screening rules, see the background screening section of the Interpretation Manual available at: childcarelicensing.utah.gov

Licensed Family 90-9:

(2) The licensee shall maintain on-site for review by the Department during any inspection the following records for each enrolled child:

- (a) an admission form containing the following information for each child:**
 - (i) name;**
 - (ii) date of birth;**
 - (iii) the parent's name, address, and phone number, including a daytime phone number;**
 - (iv) the names of people authorized by the parent to pick up the child;**
 - (v) the name, address and phone number of a person to be contacted in the event of an emergency if a provider is unable to contact the parent;**
 - (vi) child health information, as required in R430-90-14(7); and**

- (vii) current emergency medical treatment and emergency medical transportation releases with the parent's signature;

Residential Certificate 50-9:

(2) The certificate holder shall maintain on-site for review by the Department during any inspection the following records for each enrolled child:

(a) an admission form containing the following information for each child:

- (i) name;
- (ii) date of birth;
- (iii) the parent's name, address, and phone number, including a daytime phone number;
- (iv) the names of people authorized by the parent to pick up the child;
- (v) the name, address and phone number of a person to be contacted in the event of an emergency if a provider is unable to contact the parent;
- (vi) child health information, as required in R430-50-14(7); and
- (vii) current emergency medical treatment and emergency medical transportation releases with the parent's signature;

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the home and available to caregivers on a need-to-know basis. Names of individuals authorized to pick children up are needed to prevent children from being taken by unauthorized individuals. Emergency treatment consent is needed in order to obtain medical care for children in emergencies. Information about each child's health status and needs and medications is required to ensure that caregivers meet the needs of each individual child. Admission of children without this information can leave caregivers unprepared to deal with children's daily and emergent health needs CFOC, 3rd Ed. pgs. 386-391 Standards 9.4.2.1, 9.4.2.2, 9.4.2.3, 9.4.2.4, 9.4.2.5, 9.4.2.6.

Enforcement

Level 2 Noncompliance if there is not an admission form.

Level 3 Noncompliance otherwise.

If the Licensee/Certificate Holder maintains information required in the admission form in form other than the admission form, he/she will be considered in compliance with the rule.

Parents may list more than one child on an admission form but a separate health assessment is required for each individual child.

Records must be kept for all enrolled children, including "drop-in" children.

Providers cannot scan emergency contact information and releases into a PDF file on their phone or on their computer because emergency personnel will not be able to access the information.

Licensed Family 90-9:

(2) The licensee shall maintain on-site for review by the Department during any inspection the following records for each enrolled child:

- (b) current immunization records or documentation of a legally valid exemption, as specified in R430-90-14(5) and (6);

Residential Certificate 50-9:

(2) The certificate holder shall maintain on-site for review by the Department during any inspection the following records for each enrolled child:

(b) current immunization records or documentation of a legally valid exemption, as specified in R430-50-14(5) and (6);

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the home and available to caregivers on a need-to-know basis. Admission of children without this information can leave caregivers unprepared to deal with children's daily and emergent health needs *CFOC, 3rd Ed. pgs. 386-391 Standards 9.4.2.1, 9.4.2.2, 9.4.2.3, 9.4.2.4, 9.4.2.5, 9.4.2.6.*

Enforcement

Acceptable immunization records can either be in the pink state immunization form, a copy of the yellow card from the local health department, or any immunization record from a health care provider.

If a parent chooses not to immunize their child, they must get an official exemption form from the county health department.

Licensed Family 90-9:

(2) The licensee shall maintain on-site for review by the Department during any inspection the following records for each enrolled child:

(c) a completed transportation permission form, if transportation services are offered to any child in care;

Residential Certificate 50-9:

(2) The certificate holder shall maintain on-site for review by the Department during any inspection the following records for each enrolled child:

(c) a completed transportation permission form, if transportation services are offered to any child in care; and

Enforcement

Always Level 3 Noncompliance.

For the purposes of this rule, transportation services include transportation to and from off-site activities, home, or school (including walking children to and from school or around the block).

Licensed Family 90-9:

(2) The licensee shall maintain on-site for review by the Department during any inspection the following records for each enrolled child:

(d) a six week record of medication permission forms, and a six week record of medications actually administered as specified in R430-90-17(4) and R430-90-17(6)(f), if medications are administered to any child in care; and

Residential Certificate 50-9:

(2) The certificate holder shall maintain on-site for review by the Department during any inspection the following records for each enrolled child:

(d) a six week record of medication permission forms, and a six week record of medications actually administered, as specified in R430-50-17(3) and R430-50-17(5)(f), if medications are administered to any child in care.

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the home and available to caregivers on a need-to-know basis. Information about each child's health status and needs and

medications is required to ensure that caregivers meet the needs of each individual child. *CFOC, 3rd Ed. pgs. 386-391 Standards 9.4.2.1, 9.4.2.2, 9.4.2.3, 9.4.2.4, 9.4.2.5, 9.4.2.6.*

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-9:

(2) The licensee shall maintain on-site for review by the Department during any inspection the following records for each enrolled child:

- (e) a six week record of incident, accident, and injury reports.

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-9:

(3) The licensee shall maintain on-site for review by the Department during any inspection the following records for the licensee and each non-emergency substitute and caregiver:

- (a) orientation training documentation for all non-emergency substitutes and caregivers as required in R430-90-7(8);

Residential Certificate 50-9:

(3) The certificate holder shall maintain on-site for review by the Department during any inspection the following records for the certificate holder and each non-emergency substitute.

- (a) orientation training documentation for all non-emergency substitutes as required in R430-50-7(5);

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-9:

(3) The licensee shall maintain on-site for review by the Department during any inspection the following records for the licensee and each non-emergency substitute and caregiver:

- (b) annual training documentation for the past two years, for the licensee and all non-emergency substitutes and caregivers, as required in R430-90-7(9)(a); and

Residential Certificate 50-9:

(3) The certificate holder shall maintain on-site for review by the Department during any inspection the following records for the certificate holder and each non-emergency substitute.

- (b) annual training documentation for the past two years, as required in R430-50-7(6)(a); and

Enforcement

Always Level 3 Noncompliance.

This rule is not out of compliance unless the annual training has not been completed **by the license/certificate expiration date**. The Licensee/Certificate Holder will not be issued a renewal license/certificate until completion of annual training is verified.

Licensed Family 90-9:

(3) The licensee shall maintain on-site for review by the Department during any inspection the following records for the licensee and each non-emergency substitute and caregiver:

- (c) current first aid and CPR certification, as required in R430-90-10(2), R430-90-20(3)(d), and R430-90-21(2).

Residential Certificate 50-9:

(3) The certificate holder shall maintain on-site for review by the Department during any inspection the following records for the certificate holder and each non-emergency substitute.

- (c) current first aid and CPR certification, as required in R430-50-10(1) and R430-50-20(3)(d).

Enforcement

Always Level 3 Noncompliance.

Documentation for CPR Certification must indicate that the training included Infant and Child CPR.

Licensed Family 90-9:

(4) The licensee shall maintain on-site for review by the Department during any inspection orientation training documentation for each volunteer as required in R430-90-7(8).

Residential Certificate 50-9:

(4) The certificate holder shall maintain on-site for review by the Department during any inspection orientation training documentation for each volunteer as required in R430-50-7(5).

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-9:

(5) The licensee shall ensure that information in any child's file is not released without written parental permission.

Residential Certificate 50-9:

(5) The certificate holder shall ensure that information in any child's file is not released without written parental permission.

Rationale / Explanation

Prior informed, written consent of the parent is required for the release of written or verbal records and information about his/her child. The purpose of this rule is to prevent unauthorized individuals from accessing confidential information about a child, and to prevent discrimination against a child due to the release of confidential information about the child or his or her family. *CFOC, 3rd Ed. pgs. 356-357 Standard 9.2.3.6, pgs. 386-387 Standard 9.4.2.1.*

Enforcement

Level 1 Noncompliance if the information released results in a prohibited person having contact with a child.

Level 2 Noncompliance if the information released results in discrimination against a child or humiliation of a child.

Level 3 Noncompliance if information is released but it does not result in harm to a child.